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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,345	10/12/2001	Yasumasa Mizukoshi	DP-305538	1726

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REISING, ETHINGTON, BARNES, KISSELLE,
LEARMAN & McCULLOCH, P.C.
5291 COLONY DRIVE NORTH
SAGINAW, MI 48603

EXAMINER

BINDA, GREGORY JOHN

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 11/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/976,345

Applicant(s)

MIZUKOSHI ET AL.

Examiner

Greg Binda

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 6-8 is/are pending in the application.
- 4a) Of the above claim(s) 6 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2 is/are allowed.
- 6) ☒ Claim(s) 1, 3, 7 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on various dates is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed on Oct 9, 2003 in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's amendment filed on Sep 11, 2003 has been entered.

Response to Amendment

3. The amendment filed Sep 11, 2003 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The material added to the paragraph starting at page 14, line 9 is not supported by the original disclosure.

Applicant is required to cancel the new matter in the reply to this Office Action.

Election/Restrictions

4. Claim 6 is withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 9. Applicant elected the constant velocity joint shown in Figs. 1-3 (Group I, Species I).

Drawings

5. The drawings are objected to because on page 6, fourth paragraph of the amendment filed Sep 11, 2003 applicant states that the Figs. 3A & 3B show a cylindrical face 13 with a reduced/recessed diameter, reduced with respect to the spherical portion of the outer surface of the trunnion 8. However no such reduction and/or recess is shown. To the contrary, the diameter of the outer surface of the trunnion 8 appears to be constant through out the entire surface (i.e. throughout its spherical and cylindrical portions). See also Fig. 1B where the spherical and cylindrical portions of the outer surface of the trunnion 8 are shown in full contact with the spherical inner surface of the inner roller 12.

Claim Rejections - 35 USC § 112

6. Claims 7 & 8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 7 & 8 each recite the limitation, "[the] cylindrical face [13] formed on [the] outer surface of each trunnion [8] is spaced from [the] contact surface area on each trunnion" but there does not appear to be a written description of the limitation in the application as follows. In the amendment filed Sep 11, 2003, applicant states that this limitation is supported by:

- a. The amended paragraph beginning at page 14, line 9. However, as noted above, the subject matter added to that paragraph constitutes new matter. As such it must be deleted from the application and cannot be relied upon to overcome this rejection.

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b. Fig. 3B. However, Fig. 3B shows the cylindrical face 13 adjacent to (not “spaced from”) the contact surface area (the shaded area) on each trunnion 8. See particularly point P. See also page 6, line 16 of the amendment where applicant states that “the cylindrical faces must necessarily *extend into* the part-spherical surface of the trunnions” (emphasis added). A cylindrical face 13 cannot be both extending into and spaced from the respective contact surface area of the respective trunnion 8.

Claim Rejections - 35 USC § 102

7. Claims 1 & 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Kudo et al, US 5,791,995. Figs. 1 & 2 show a constant velocity joint 10 comprising: a hollow housing 12 having an open end and an inner face (see also “inner circumferential surface” in col. 3, lines 28 & 29) formed with three axially extending circumferentially spaced guide grooves 18a-18c; a tripod 30 disposed in the housing 12 having three circumferentially spaced trunnions 26a-26c extending radially outwardly along respective trunnion axes into the guide grooves 18a-18c, each trunnion 26a-26c having an outer surface that is part spherical (see also col. 3, line 50); a roller assembly 24, 32, 40 carried on each of the trunnions 26a-26c within the guide grooves 18a-18c and supported for rotational, angular and axial movement relative to the trunnions 26a-26c; and a cylindrical relief area 36 (see also “substantially linear cross section” in col. 3, lines 62 & 63) formed on the outer surface of the trunnions 26a-26c. Fig. 15 shows the cylindrical relief area 36 inclined relative to each of the respective trunnion axes and centerlines.

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Allowable Subject Matter

8. Claim 2 is allowed.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (703) 305-2869. The examiner can normally be reached Monday through Thursday from 9:30 am to 7:00 pm. The examiner can also be reached on alternate Fridays. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne, can be reached on (703) 308-1159. The fax phone number is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.



Greg Binda
Primary Examiner
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